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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/925,627	09/09/97	FAUSTMAN	DN 1075627036005

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EXAMINER  
SCHEINER

ART UNIT  
1648

PAPER NUMBER  
10

05/17/99

DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 3/29/99

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1 & 61-88 is/are pending in the application.

Of the above, claim(s) 1, 37, 38, 44-46, 48-56, 58 & 61-88 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 37, 39-43, 47, 57, 59 & 60 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of Reference Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2 1/2 & 9

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

Art Unit: 1648

Applicant's election without traverse of Group I (claims 36, 39-43, 47, 57, 59 and 60 limited to an MHC antigen, neuronal cell, and masking as a means of modification) in Paper No. 7 is acknowledged. Claims 37, 38, 44-46, 48-56 and 58 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected species.

Claim 36, 39-43, 47, 57, 59 and 60 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 36, 39-43, 47, 57, 59 and 60 are considered to be vague and indefinite due to the recitation of "capable of causing", as set forth in claim 36, to refer to a function of a cell or tissue in the context of its ability to produce an immune response since a positive recitation of function has not been set forth.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

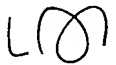
Claims 36, 39-43, 47, 57, 59 and 60 are rejected under 35 U.S.C. 102(b) as being anticipated by Wong et al.

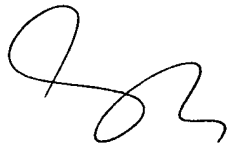
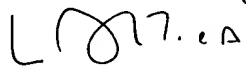
Wong et al. clearly teach a composition comprising H-2 antigen bearing neurones complexed with a monoclonal antibody A2B5. Moreover, neurones expressing MHC antigens bound by antiserum is also taught. Applicants are reminded that limitations drawn to the intended use of their composition claims are not given patentable weight. That is, it is the composition *per se* which is taken into consideration irrespective of subsequent intended use.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Scheiner, whose telephone number is (703) 308-1122. Any inquiry of a general nature or relating to the status of this application should be directed to the Group 1600 receptionist whose telephone number is (703) 308-0196.

Correspondence related to this application may be submitted to Group 1600 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). Official communications should be directed toward one of the following Group 1600 fax numbers: (703) 308-4242 or (703) 305-3014. Informal communications may be submitted directly to the Examiner through the following fax number: (703) 308-4426. Applicants are encouraged to notify the Examiner prior to the submission of such documents to facilitate their expeditious processing and entry.

  
Laurie Scheiner/LAS  
May 7, 1999

  
  
LAURIE SCHEINER  
PRIMARY EXAMINER